

35.C12641



RECEIVED
PATENT APPLICATION
JUN 7 2001

TC 2800 MAIL ROOM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MASATO YAMANOBE, ET AL.) : Examiner: A. Patel
Application No.: 09/041,639) : Group Art Unit: 2875
Filed: March 13, 1998) :
For: IMAGE-FORMING APPARATUS) May 31, 2001

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Commissioner for Patents
Washington, D.C. 20231

JUN 01 2001

OFFICE OF PETITIONS

DECLARATION UNDER M.P.E.P. §711.02

Sir:

I, Scott D. Malpede, declare and say that:

1. I am a partner in the law firm of Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112 and am an attorney of record in the above-identified application. I am the attorney in the law firm who is primarily responsible for the prosecution of the subject patent application.

2. On April 26, 2001, a Notice of Abandonment dated April 23, 2001 was received by the law firm in the above-identified application. The Notice of Abandonment indicated that

a response in accordance with an Office Action mailed September 12, 2000 had not been made.

However, after reviewing the pertinent records, including the entire file of the subject application, and the Declaration of Howard S. Greenberg dated May 31, 2001, and the attached exhibits thereto, I have concluded that the law firm never received the Office Action in the above-identified application.

Date: 5/31/01

Scott D. Malpede

Scott D. Malpede

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PATENT APPLICATION

JUN -7 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
RC 2800 MAIL ROOM

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Filed: March 13, 1998) :
For: IMAGE-FORMING APPARATUS) May 31, 2001

Commissioner for Patents
Washington, D.C. 20231

DECLARATION UNDER M.P.E.P. §711.02

Sir:

I, Howard S. Greenberg, declare and say that:

1. I am employed by Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112 as a docket clerk professional. My responsibilities include docketing the receipt of documents from the Patent and Trademark Office, and maintaining records of such documents and records of periods of response thereunder.

2. All communications from the Patent and Trademark Office are directed to me immediately upon receipt within the firm.

3. Each and every communication I receive from the Patent and Trademark Office is logged into a Day Book Report on the day it is received, along with a due date for responding to the communication. I have reviewed the entries in the Report concerning the period from September 12, 2000 through September 24, 2000. Those entries do not include an entry indicating receipt of an Office Action or any other PTO paper concerning the above-identified patent application. Accordingly, I conclude that no Office Action dated September 12, 2000, was received for that application.

4. In addition to my responsibilities, as stated above, for maintaining records of documents received from the Patent and Trademark Office, I also calculate and record in a Docket Book the date upon which responses to such Patent Office communications are due. The response due date to a September 12, 2000, Office Action would have been December 12, 2000. The entries in the Docket Book on that date do not indicate that any response to a September 12, 2000, Office Action in the above-identified application was due.

5. In addition to the above procedures and practices, I also maintain a computerized Master Docket in which is recorded the due date upon which a response to such Patent Office communication is due. The entries in that Master Docket

on that date do not indicate that any response to a September 12, 2000, Office Action in the above-identified application was due. A copy of a computer printout of the Master Docket is attached hereto as Exhibit A showing the last three digits of each application number having a due date on December 12, 2000. Again, Exhibit A does not refer to the above-identified application.

6. Further to the above procedures and practices, I also maintain a computerized file for each application which summarizes all of Applicants' filings and Patent Office communications. The computerized file for the subject application shows no indication of an Office Action being received.

7. Accordingly, from a review of all of the above-referenced records, it is my belief that the firm never received the Office Action.

Date: May 30, 2001

Howard S. Greenberg
Howard S. Greenberg

Master Docket
From 11/22/00 to 12/12/00

12/11/00 [REDACTED] 7983
[REDACTED]

12/11/00 [REDACTED] CCPO
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12/11/00 [REDACTED] 002
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Master Docket
From 11/22/00 to 12/12/00

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12/12/00 [REDACTED] 526

12/12/00 [REDACTED]

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12/12/00 [REDACTED] 217

Master Docket
From 11/22/00 to 12/12/00

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Master Docket
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Master Docket
From 11/22/00 to 12/12/00

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12/12/00 [REDACTED] 177

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12/12/00 [REDACTED] 191

Master Docket
From 11/22/00 to 12/12/00

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Master Docket
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Master Docket
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Master Docket
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Master Docket
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Master Docket
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Master Docket
From 11/22/00 to 12/12/00

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Master Docket
From 11/22/00 to 12/12/00

12/12/00

568

12/12/00

158

12/12/00

317

12/12/00

8

12/12/00

44

Master Docket
From 11/22/00 to 12/12/00

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Master Docket
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